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Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 15 May 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement issued by the Ministry of Foreign Affairs of the Republic of Abkhazia addressed to the States Members of the United Nations, the participating States of the Organization for Security and Cooperation in Europe and the States members of the Council of Europe (see annex).

I should be grateful if this letter and its annex could be circulated as a document of the General Assembly, under agenda item 32.

(*Signed*) P. **Iliichev**
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Annex to the letter dated 15 May 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Statement by the Ministry of Foreign Affairs of the Republic of Abkhazia addressed to the States Members of the United Nations, the participating States of the Organization for Security and Cooperation in Europe and the States members of the Council of Europe

The Ministry of Foreign Affairs of the Republic of Abkhazia considers it necessary to explain the position of Abkhazia on the issues addressed in the draft resolution on internally displaced persons and refugees from Abkhazia and South Ossetia, put to a vote at the United Nations General Assembly by Georgia, as well as other material circulated by Tbilisi, including quarterly reports of the Ministry of Foreign Affairs of Georgia on the human rights situation in Abkhazia.

First of all, it should be noted that the content of such material leaves no doubt that its main purpose is to misrepresent the human rights situation in the Republic of Abkhazia and to denigrate our country as a whole. The distribution of such documents demonstrates that the Georgian authorities have not abandoned a flawed and fruitless policy that seeks to instil a number of false notions and stereotypes about Abkhazia in the consciousness of the international community.

Among such propaganda labels and stereotypes are the following assertions: that there is no such State as the Republic of Abkhazia and that it is a part of Georgia; that the Abkhaz authorities are purportedly delaying a solution to the refugee problem; that the Republic is impeding access to representatives of international organizations; and that it is a territory where human rights are being violated, including the rights of national minorities, where the right to movement is restricted and where lawlessness and anarchy reign. Such absurd and unjustified accusations against the Republic of Abkhazia are also heard regularly at various levels, even the very highest ones.

All advocates of the "territorial integrity of Georgia" need to be reminded that the Republic of Abkhazia defended its right to independent existence in a bloody war with the forces of the State Council of Georgia and, since 1993, it has been an independent and sovereign State. However, the leaders of Georgia stubbornly continue to pretend that nothing occurred and, at every occasion, make claims about fictitious territorial integrity.

A traditional topic that the Georgian authorities use to their advantage is the so-called "refugee problem". The impression given from reading Georgian documents on this issue is that Georgia is still living in the realities of the early 1990s. Meanwhile, back in 1999, the Republic of Abkhazia unilaterally offered Georgian refugees the opportunity to return to their homes in the Gali district. To implement this initiative by the Abkhaz authorities, a governmental commission was set up to tackle issues related to the social and economic rehabilitation of the district and the creation of the necessary conditions for the orderly and safe return of refugees to the Gali district.

This unilateral initiative by the Abkhaz authorities provoked a harshly negative reaction from Georgia, which alleged that the security of the returning refugees had not been fully assured.

Georgia has deliberately and systematically continued to escalate tension and to destabilize the situation in the Gali district. The Georgian authorities have

organized various pickets and demonstrations on their side of the frontier, threatening and intimidating Georgian refugees returning to Abkhazia in an effort to prevent their mass return to the country. What the Georgian authorities are really worried about in this situation, however, is the unresolved core issue: under whose jurisdiction will the returning Georgian refugees find themselves? According to the Georgian authorities, refugees who return to the Gali district of Abkhazia before it is brought under the jurisdiction of Georgia are lost to Georgia.

It has become clear that the Georgian authorities are not interested in the return of refugees until Georgian jurisdiction over Abkhazia has been restored. The issue of refugees is essentially being used merely as a tool for putting pressure on Abkhazia. All this is direct confirmation of the true intentions of Georgia, which is not seeking any solutions to the humanitarian issues and is constantly politicizing the process of refugee return.

Moreover, every kind of obstacle has been placed in the way of those who responded to the Abkhaz initiative and decided to return to Abkhazia, including such measures as intimidation, threats to cut off assistance provided by international humanitarian organizations, the seizure of passports and other unlawful actions. Georgia has resorted to these blatantly destructive actions to sow fear among local people returning voluntarily to their homes, and also to demonstrate to the international community the alleged inability of the Abkhaz leadership to restore order in this "problem" region.

Nevertheless, despite such actions by Georgia, some 50,000 people have taken advantage of this opportunity provided by Abkhazia.

On the issue of refugees, attention should also be drawn to what are deliberately inflated figures for the number of refugees from Abkhazia. According to various Georgian sources their number stands at over 300,000, and at over 400,000 in other, entirely fanciful, estimates. Similar figures also appear in the quarterly reports of the Georgian Ministry of Foreign Affairs. What these figures are based on remains a mystery. Yet the Georgian delegation relies on such distorted information in its statements at various forums of the United Nations system and of international and regional organizations.

It should be recalled that, according to the last all-union census of 1989, the population of the Abkhaz Autonomous Soviet Socialist Republic was 525,000 and included 240,000 ethnic Georgians. The number of people who have fled Abkhazia as a result of the conflict clearly cannot exceed that figure. Moreover, as was already noted, around 50,000 people have return to the Gali district of Abkhazia. It is therefore quite clear that the figure of over 300,000 refugees, which is usually mentioned by Georgian officials, is spurious.

It must also be noted that, in spite of concerted efforts in the Republic of Abkhazia by various influential international organizations, including the Office of the United Nations High Commissioner for Refugees (UNHCR), which was directly responsible for monitoring the refugee return process, UNHCR experts have still been unable to verify the return of refugees to the Gali district and their return to the territory of the Republic of Abkhazia has therefore not been officially registered.

In response to repeated requests from the Abkhaz authorities, UNHCR conducted a study among Georgian refugees living in Georgia regarding the conditions under which they would be willing to return en masse to Abkhazia. It is telling that, in the survey, 94.1 per cent of respondents stated that they would only return to Abkhazia after it had been reintegrated with Georgia. Only 2.5 per cent of the Georgian refugees are willing to return to their permanent homes in a Republic of Abkhazia which is independent of Georgia.

It should be noted that the Geneva discussions on security and stability in the South Caucasus are the only international forum at which official representatives of Abkhazia and Georgia participate. For the Republic of Abkhazia this is the only international platform where the official position of Sukhumi is articulated, whereas Tbilisi officials are constantly raising the problem of Abkhazia and, in particular, the issue of refugees, at other international forums where representatives of the Republic of Abkhazia are not in attendance and do not have an opportunity to express their views. Owing to this, Abkhazia refuses, as a matter of principle, to discuss the issue of refugees within the framework of the Geneva discussions. It would be possible to change this policy, if representatives of Abkhazia were given an opportunity to articulate their positions at the United Nations.

No one should have any doubt that the examples of human rights violations being disseminated by Georgia, including those alleged to have occurred in the Gali district of the Republic of Abkhazia, are false and misleading.

A large number of similar Georgian documents also address the crossing of the State border at the Inguri River, as well as cases of citizens being detained for violating the regulations governing the crossing of the State border between the Republic of Abkhazia and Georgia.

As regards the procedure for crossing the Abkhaz-Georgian State border at the Inguri River and, in particular, the decision taken by the Government of Abkhazia in December 2016 to close two temporary crossing points, we cannot fail to note that this issue is being deliberately politicized by Georgia and its Western friends.

The Ministry of Foreign Affairs of Abkhazia has repeatedly explained that determining the regime for crossing the State border is an exclusively domestic matter for the Republic of Abkhazia. It must once again be recalled that the closed crossing points were temporarily operational over a period (from 2012 to 2017) while the conditions necessary to comply with modern infrastructure standards had not yet been met. In 2016, a convenient bus service began to run and the capacity of the main crossing point at Inguri was increased. All these measures were aimed at establishing a more effective system to manage the crossing of the State border between Abkhazia and Georgia, and also creating comfortable conditions for accessing and crossing the State border by road. They were in no way intended to create any obstacles for residents in the Gali district. For the record, the claims made by Georgian officials and various friends of Georgia about restricted movement across the State border at the Inguri River are absolutely unfounded.

Other accusations being made against Sukhumi are that the Abkhaz authorities are allegedly discriminating against residents in the Gali district and violating and restricting their rights.

It should be recalled that, in December 2015, the Parliament of the Republic of Abkhazia adopted the Act on the legal status of foreign citizens in the Republic of Abkhazia and the Act on the procedure for leaving and entering the Republic of Abkhazia. The former Act was adopted because of the need to establish the legal framework governing the rights of foreign citizens in Abkhazia, while the latter Act governs the procedure for both Abkhaz and foreign citizens leaving and entering the Republic of Abkhazia. Furthermore, these Acts are an important step towards resolving the status of residents in the Gali district.

Meanwhile, a large proportion of residents in the Gali district have received Georgian citizenship, which is incompatible with the legislation of Abkhazia. The Act on the legal status of foreign citizens removes the legal vacuum that had arisen regarding the status of Gali residents. This Act enables long-staying foreign nationals in Abkhazia to obtain residence permits and temporary residence permits.

Residence permits are issued for a period of five years. Upon expiry, residence permits may be extended for another five years. The number of extensions is unlimited. An individual with resident permits spanning 10 years may submit a request for Abkhaz nationality, on condition of continuous residence in the territory of Abkhazia (in accordance with the Act on citizenship). Accordingly, the adoption of this Act has established the necessary conditions for the status of residents in the Gali district to be clarified.

It should also be noted that as a result of the steps taken by the leadership of Abkhazia there has been a significant improvement in the criminal situation in the Gali district in recent years. This has also been confirmed by local residents.

The accusations being made about infringements of the right of schoolchildren in the Gali district to receive an education in their mother tongue are also largely spurious. It should be pointed out that the measures taken by the Abkhaz leadership to transfer schools in the lower Gali district to Russian-language education are fully in accordance with the Constitution and legislation of the Republic of Abkhazia. The State language of the Republic of Abkhazia is Abkhaz. Russian and Abkhaz are the recognized languages of governmental and other institutions. We note that, for example, Armenian schools, which are a successful example of a well-functioning model of multilingual education, teach both the Russian and Armenian languages. These schools also teach Abkhaz as a State language. Georgian schools in the Ochamchira and Tkvarcheli districts switched to Russian-language education back in 1994. However, 11 village schools in the lower Gali district were long-time exceptions and were not, in practice, integrated into the Abkhaz system of education. In 2015, these schools were transferred to the special State education programme, in accordance with which the first four grades transferred to Russian-language education. It should be noted that the teachers at these schools took Russian-language courses in the summer of 2015 in preparation for this switch to the Russian language.

The accusations often repeated by Georgia in its resolutions and other material, alleging that the Abkhaz authorities restrict access to and hamper the activities of international organizations in Abkhazia, are utterly baffling. It should be noted that there are currently 10 international organizations operating in the Republic. Three of these are branches of United Nations entities: the United Nations Development Programme, UNHCR and the United Nations Children's Fund. The International Committee of the Red Cross has been operating in Abkhazia since 1993. Organizations such as Action Against Hunger, World Vision International and Halo Trust also work there, and 2017 saw the opening of a new office of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

In addition, Abkhazia meets all the necessary conditions for the work of experts in the field of human rights. In 2015 and 2016 extensive work was done by Mr. Thomas Hammarberg, a respected authority in the field of human rights. The results of his research were published in a special report. In that context, it is clear that any talk of Abkhazia supposedly being "closed" is outright disinformation.

We wish once again to draw the attention of the international community to the blatantly coordinated and discriminatory visa policy of the European Union and Georgia, which is designed to bring about international isolation of the citizens of the Republic of Abkhazia. This policy, which has been implemented by the Georgian authorities with the support of their partners in European Union countries, contravenes all existing norms of international human rights law.

It must be emphasized that these actions not only violate the human right to freedom of movement, but are also contrary to fundamental international principles, including freedom of access to education, skilled health care, cultural and athletic

activities, and many others. In essence, what we have here are serious obstacles to the right to development of an entire people. However, all these facts testifying to discrimination against our citizens and the violation of their rights are being overlooked or simply ignored.

Georgia itself is a wilful violator of international human rights standards, depriving the citizens of Abkhazia of the opportunity to exercise their rights without impediment.

It should be underscored that this policy is reinforced by Georgia at the legislative level. We refer here to the discriminatory Georgian Act on the so-called "occupied territories", pursuant to which citizens of foreign countries entering the territory of the Republic of Abkhazia from the Russian Federation are liable to criminal prosecution in Georgia. These actions by the Georgian leadership directly contravene article 13 of the Universal Declaration of Human Rights, which affirms the right of every person to freedom of movement, and to leave any country, including their own, and to return to their country.

The need to review the discriminatory Act on occupied territories was also mentioned by the European Commission in its 2014 report and recommendations on the implementation of the European Neighbourhood Policy in Georgia. In the opinion adopted at its ninety-seventh plenary session on 6 and 7 December 2013, the Venice Commission also urged the Government of Georgia to take that step, regarding the discriminatory Georgian Act on occupied territories.

It should be noted that there has been a positive trend as regards the situation of human rights in the Republic of Abkhazia and, in particular, the functioning of human rights institutions. The office of Commissioner for Human Rights (Ombudsman), serving under the President of Abkhazia, was established in 2007. This office was a temporary post, until the adoption of a law which instituted the Ombudsman for Human Rights as an independent and autonomous institution. In February 2016 the People's Assembly of the Republic of Abkhazia adopted the Act on the Ombudsman for Human Rights in the Republic of Abkhazia, in accordance with which the Ombudsman is elected by Parliament for a term of five years (with the opportunity for a second five-year term). The Ombudsman was appointed by Parliament in November 2016. The Act grants the Ombudsman very broad powers. For example, he is entitled to review complaints about the decisions and actions of any government body, local authority or official. Furthermore, the Ombudsman has jurisdiction to review complaints from foreign citizens and stateless persons. The Act restricts interference in the Ombudsman's work and influence on him in any form.

It is regrettable to have to note that the blatant defamation of Abkhazia through misinformation, a practice begun in the 1990s, continues to this day. All manner of bogus and false stories are being fabricated about what is happening in Abkhazia. Senior Georgian officials make completely unfounded and irresponsible statements about supposed anarchy in Abkhazia, acts of banditry, abductions and so forth. They declare Abkhazia to be either a hotbed of terrorists or a source of fictitious radioactive materials.

Meanwhile, it is clear to any unbiased observer that the Republic of Abkhazia is a successfully developing State with all the necessary attributes, having proven its viability and effectiveness. Abkhazia has established a stable political system and regularly holds competitive elections.

The new composition of the Parliament of the Republic of Abkhazia was recently determined in elections held in March 2017. Thirty-nine international observers monitored the parliamentary elections in Abkhazia. Despite some

observations, on the whole they highly commended the elections. The new Parliament represents various political, including opposition, forces.

The Republic has fully functioning civil society institutions, non-governmental organizations and independent media.

We firmly believe that the content of the draft resolutions proposed by Georgia, and the reports of the Ministry of Foreign Affairs of Georgia, bear no relation to current realities. These politicized documents are contrary to the spirit of the Geneva discussions and may be detrimental to the long-standing efforts made by the parties and the international mediators to normalize relations and strengthen security in the South Caucasus.

Given the above, the Abkhaz authorities once again insist on the need for their participation in the work of the Main Committees of the United Nations, including those dealing with refugee issues, in order that they can put forward their own position to the representatives at the General Assembly. We firmly believe that this problem cannot be resolved without taking due account of the views and positions of the Abkhaz authorities.

Unfortunately, the Abkhaz authorities have been deprived of the opportunity for contact with the Main Committees of the United Nations and with the delegations of States Members of the United Nations, as the United States Department of State, abusing its country's position as the host of the United Nations, routinely refuses to grant entry into the United States of America to the official representatives of the Republic of Abkhazia.

We call upon the States Members of the United Nations to give their attention to such discriminatory practices, which contradict existing international norms, and take the necessary measures to enable the Abkhaz delegation to travel to the United Nations General Assembly and participate in the work of the Main Committees prior to the vote in the General Assembly on the issue of refugees from Abkhazia and South Ossetia.

2 May 2017